

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:	*	CASE NO. 11-05453 MCF
	*	
BERNARDO LOPEZ LOPEZ	*	
IVETTE PAGAN RIVERA		
DEBTORS		CHAPTER 7
BERNARDO LOPEZ LOPEZ		
IVETTE PAGAN RIVERA	*	ADV.
PLAINTIFFS		
VS		
BANCO DESARROLLO ECONOMICO		
DE PUERTO RICO		
DEFENDANTS		

*

COMPLAINT

TO THE HONORABLE COURT:

Now comes debtor, through the undersigned attorney and very respectfully prays and states as follows:

I

JURISDICTIONAL ALLEGATIONS

1. This Honorable Court has jurisdiction pursuant to 11 USC 101 et, seq., 28 USC1334 and 11 USC 362.
2. This is a core proceeding requesting the imposition of damages for violation of the automatic stay and discharge injunction.

II

FACTS

1. Debtors filed a bankruptcy petition under chapter 7 on June 29, 2011.

2. Debtors, at the time of the filing of this case were the owners of a 993.2661 square meters lot described as follows:

Al asiento 1491 del diario 314, el día 22 de noviembre de 2011, se presenta la escritura #20, otorgada en San Juan, Puerto Rico el día 27 de mayo de 2005, ante el notario público Eduardo Tamargo, mediante la cual Bernardo López López y su esposa Ivette María Pagán Rivera constituyen hipoteca sobre el solar #1 de 993.2661 metros cuadrados, en garantía de un pagaré a favor del Banco Desarrollo Económico para Puerto Rico, o a su orden, por la suma de \$300,000.00, intreses al 7.50% anual y vencimiento a la presentación. Presented at asiento 740, diario 325, Ciales.

3. According to a title search, copy of which is herewith enclosed said property is subject to a mortgage in favor of Banco de Desarrollo Económico para Puerto Rico which was presented to the Registry of the Property on November 22, 2011, that is, after the filing of this case.

4. The presentation of said mortgage after the filing of this case constitutes a violation of 11 USC 352(a) 4 and 5 which bar the perfection of a lien against property of the estate. On May 25, 2018 the undersigned attorney requested Banco Desarrollo Económico para Puerto Rico the withdrawal of said mortgage from the Registry of the Property, but so far has received no reply.

5. Said actions constitute a willful violation of the automatic stay pursuant to 11 USC 362 (k) and of the discharge injunction.

III

PRAYER

WHEREFORE, it is respectfully requested from this Honorable Court:

- A) That claim number 4 be disallowed as a secured claim;
- B) That Banco de Desarrollo Económico be ordered to withdrawn its mortgage deed from the Registry of the Porperty.
- C) That, of applicable, Banco de Desarrollo Económico be ordered to pay costs \$260 in reopening fees and attorney's fees in the amount of \$3,000.
- D) That defendants Banco de Desarrollo Económico be imposed punitive damages with amount of \$25,000.

CERTIFICATE OF SERVICE: I HEREBY CERTIFY: That on August 31 , 2018 we electronically filed the foregoing using the CM/ECF system. Notice of this filing will be sent electronically though the CM/ECF System to US TRUSTEE, Noreen Wiscovitch Rentas, Chapter 7 Trustee and Banco de Desarrollo Económico para Puerto Rico, P.O. Box 2134, San Juan, . P.R. 00922-2134 and Emilio Hernández Mulero- Manager of Banco de Desarrollo Económico, P.O. Box 2134, San Juan, P.R. 00922-2134.

In Mayaguez, Puerto Rico, this 31 day of August, 2018.

/s/Alberto O. Lozada Colón

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